

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 200580002

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office

Date:

At the project site

Y

Date: Jan 26, 2005

PROJECT LOCATION INFORMATION:

State: CO

County: Boulder

Center coordinates of site by latitude & longitudinal coordinates: 40 12 52.7035, 105 15 08.3908

Approximate size of site/property (including uplands & in acres): 6

Name of waterway or watershed: Supply Irrigation Ditch, Highland Ditch, Rough and Ready Ditch

SITE CONDITIONS: Dry upland around the aquatic site

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	x								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Approved** X Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Wetlands TL5, TL6, TL13b, TL15, TL17, TL18, TL19, TL21, TL22, TL23 and TL24 are either in or adjacent to or flow to the non-jurisdictional Supply Irrigation Ditch, Highland Ditch or Rough and Ready Ditch. These ditches are non-jurisdictional at this site because they do not intercept tributaries upgrade of this project or either terminate in upland. TL13a, TL16, TL20, 32, 36, 37a and 37b do not flow to a waters of the U.S and are not adjacent to a waters of the U.S.